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The insistence of the authors that pathological lying and swindling forms a group quite distinct from psychotic and epileptic conditions does not help our advance. On the contrary, the only hope for ultimate progress in this field of research lies in the possibility of correlating the phenomena here observed with those recognized elsewhere. It is important to apply the point of view of the pathologist in dealing with these subjects, that is to say, the significance of mild disturbances may become clear and reasonable in the light of knowledge obtained in the study of severe variations from the normal. Nearly all that we know about physiology of the human body has been obtained in studying exaggerated conditions produced either spontaneously or experimentally. In the field of psychiatry the experimental method has so far been inapplicable. The methods of the psychologists have been applied as far as possible. These methods, however, are largely introspective. In psychiatric research we are therefore dependent upon such experiments as nature provides spontaneously. It is left to our ingenuity to find the correlations.

We are probably still far from this desired end. In the meanwhile, those who are wise will refrain from superficial judgments and will endeavor to explain delinquency in its various forms as a manifestation of the same fundamental causes that operate in other and better recognized pathological conditions.

HERMAN M. ADLER.

**THE PRINCIPLES OF MUHAMMADAN JURISPRUDENCE** according to the Hanafi, Malavi, Shafi'i and Hanbali Schools. By Abdur Rahim, M.A., Judge of the High Court of Judicature at Madras. London: Luzar & Co. 1911. pp. xvii, 443.

**PRINCIPLES OF MUHAMMADAN LAW.** An essay at a Complete Statement of the Personal Law Applicable to Muslims in British India. By Faiz Baruddin Tyabji, M.A., Officiating Judge, High Court, Madras. Bombay: D. B. Taraporevala Sons. 1913. pp. xxxvii, 711.

**HINDU LAW, A Treatise.** By P. R. Ganapathi Iyer, B.A., B.L., High Court Vakil, Madras. Vol. I. General Principles and Marriage. Madras: Thompson & Co. 1915. pp. xlviii, 718.

These books on the personal law of Mohammedans and Hindus, as administered in British India, have, one need not say, no interest for the practising lawyer in this part of the world. But they contain much that cannot but be of significance to the student of the science of law who would keep abreast of the march of that science in the world of to-day.

The work of Mr. Justice Abdur Rahim is of special interest as indicating what might be called a humanist movement in Anglo-Mohammedan law. He points out that the book of chief authority upon Mohammedan law has been studied in India, not from the original Arabic writings, but from an English version in which it was frequently impossible for the translator to find words to convey the exact legal significance of technical Arabic expressions. Moreover the author of the *Hedaya* assumed that the reader was familiar with the principles of Mohammedan legal science and with the Koran and the Hadith. Thus, we are told, and it is quite credible, the translator's way of stating the arguments of the classical Mohammedan jurists "has at times led to the misapplication of their *dicta*." One is reminded at once of the situation in the modern Roman law when the Humanists in the sixteenth century and the Historical School in the nineteenth century set up the cry of "back to the texts," which had been overlaid by the gloss or pushed aside by the *usus modernus*. In the same spirit Mr. Justice Abdur Rahim takes us to the classical texts.

Nor is this mere pedantry or mere worship of the past in the one case more

than in the other. Hanifa, and, in a lesser degree, Malik, Shafi'i and Hanbal, were jurists of a high order. The method of analogical deduction, the theory of juristic equity and the doctrine of consensus of opinion which he developed, were worthy of the Roman jurists and indeed did for a slender store of jural materials much the same service which interpretation and natural law in the hands of the Roman jurisconsult did for the narrow and arbitrary rules of the *ius strictum*. The student of universal history will welcome the clear and well-written statement in English of the development of juristic science during the Arabian hegemony and of the stages by which it led to the Anglo-Mohammedan law of to-day which Mr. Justice Abdur Rahim has given us.

Mr. Justice Tyabji has a different purpose. His endeavor is to expound the Mohammedan law, as applied in India to-day, dogmatically in the form of a code, a method which Sir James Stephen made familiar in English law and one which Mr. Spencer Bower has been employing more recently with marked success. Except as another example of the possibilities of this mode of exposition the American lawyer has no concern with it. It should be said, however, that the work seems to have been well done and shows that systematic method has made notable progress in Indian legal literature. The tendency to appeal to the classical texts, which had full scope in the academic lectures of Mr. Justice Rahim, can find few opportunities in a dogmatic exposition. Yet here also it is manifest in more than one spot and is a good augury of independent legal thought in a people who are showing a great natural aptitude for the law.

Hindu law appears to afford less opportunity for a humanist movement. The great Arabian jurists were lawyers through and through. The authoritative texts by which they were bound were not many and were so elastic that juristic science had full scope. On the other hand the Hindu lawyer has to deal with inspired or sacred texts that go into great detail. Hence Mr. Ganapathi Iyer's book has much less interest for the student of comparative law and universal legal history. Moreover his English legal training has led him to take Austin's Jurisprudence and Maine's Ancient Law for something like sacred texts in jurisprudence, although he does reject the view of the latter in connection with the question whether Manu sets forth a system of law that was ever actually administered.

The reviewer cannot pretend to be competent to pass upon the merits of these works. But as one compares them with the Anglo-Indian law books of a generation ago he cannot but perceive that the native lawyers in India have been making rapid progress and that a legal juristic development is going on of which students of jurisprudence must take account.

ROSCOE POUND.

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THE DIPLOMATIC PROTECTION OF CITIZENS ABROAD. By Edwin M. Borchard. New York: The Banks Law Publishing Company. 1915. pp. xxxvii, 988.

This is an unusually interesting book, partly because of its timeliness and partly because of its clearness. The subject is a broad one; and even the subtitle, "The Law of International Claims," does not indicate the number of topics here brought together.

That the discussion is timely and clear is shown by the following passages: "The weaker countries of Latin America, knowing the advantages under which diplomatic protection has placed aliens, have in their municipal laws, constitutions, and treaties emphasized the legal equality which exists as between national and alien. Relying upon this presumably liberal doctrine of complete equality, the Latin-American states insist upon the application of the general principle that the alien is bound by the local law, and that the propriety of their conduct toward resident foreigners is to be tested by their municipal